

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TEACHERS INSURANCE AND ANNUITY:	CIVIL ACTION
ASSOCIATION OF AMERICA, et al.:	
:	
v.	:
:	
THOMAS BERNARDO, et al.	NO. 09-911

ORDER

AND NOW, this 26th day of January, 2010, upon consideration of defendant Pamela Turner's motion for partial summary judgment (docket entry # 24), defendant Thomas Bernardo's motion for partial summary judgment (docket entry # 25), plaintiff TIAA-CREF's motion for partial summary judgment (docket entry # 26), and defendant Thomas Bernardo's motion to strike (docket entry # 27), and in accordance with the accompanying Memorandum, it is hereby ORDERED that:

1. Bernardo's motion for partial summary judgment is GRANTED IN PART and DENIED IN PART as follows;

2. Bernardo's motion is GRANTED with regard to the declaratory issue, but DENIED WITHOUT PREJUDICE with regard to attorneys' fees and costs;

3. TIAA-CREF shall PAY Thomas Bernardo all resulting death benefits plus pre-judgment interest;

4. TIAA-CREF's motion for partial summary judgment is DENIED;

5. Pamela Turner's motion for partial summary judgment is DENIED;

6. Thomas Bernardo's motion to strike is DENIED AS MOOT;

7. After meeting and conferring, the parties shall by March 1, 2010 NOTIFY the Court by fax (215-580-2156) as to what issues remain for any further discovery and how those issues should be most expeditiously and efficiently resolved; and

8. Further scheduling shall ABIDE the parties' report to the Court.

BY THE COURT:

___\s\Stewart Dalzell